REALTY TRANSFER CERTIFICATE

GENERAL INSTRUCTIONS

WHO MUST FILE: Any party transfering real property when the transfer is not evidenced by deed or instrument or any party presenting an instrument or deed evidencing a transfer of real estate for recordation. Real estate includes land, growing timber, buildings, structures, fixtures, fences, and improvements affixed to land.

WHEN AND WHERE TO FILE: The completed Realty Transfer Certificate must be filed with the County Clerk & Recorder when the instrument or deed evidencing a transfer of real estate is presented for recording.

SALE INFORMATION IS CONFIDENTIAL AND ONLY FOR OFFICIAL USE BY THE DEPARTMENT OF REVENUE

PART 1 - DATE OF SALE / DEATH OF JOINT TENANT

This should be the date on which the instrument or deed was executed (the date the instrument or deed was signed by the grantor (seller) unless otherwise specified in the deed or date of decedents death). Contracts for Deed and Notices of Purchasers Interest should use the date the contract or notice was initially signed, not the date the contract was finalized.

PART 2 - GRANTOR OR DECEASED JOINT TENANT / GRANTEE OR SURVIVING JOINT TENANT INFORMATION

Grantor or Deceased Joint Tenant / Grantee or Surviving Joint Tenant: Enter the names of the Grantor or Deceased Joint Tenant (seller) and Grantee or Surviving Joint Tenant (buyer) exactly as they appear on the transferring document. Business organizations, corporation, trusts, etc. should enter their name(s) exactly as it appears on the transferring document, or the original joint tenancy document.

Addresses: For the Grantor or Deceased Joint Tenant, enter the current mailing address. For the Grantee or Surviving Joint Tenant, please enter the address where the current assessment notice(s) is to be sent. **Note:** This may not be the Grantee's or Surviving Joint Tenant's present address.

SS# or Fed ID#: For individuals, list the social security number of all legal owners named in the transferring document. Business organizations, trusts, corporations, etc. list the federal ID number(s) of the legal entity (ies) named in the transferring document. Entry of social security or federal ID numbers is not mandatory.

Daytime Phone #: Enter phone numbers for both the Grantor or Deceased Joint Tenant representative (seller) and Grantee or Surviving Joint Tenant (buyer).

PART 3 - DESCRIPTION OF PROPERTY

This section identifies the sale parcel by location and is the legal description found on the instrument or deed conveying the real estate or the abstract to the real estate. The legal description may also be obtained from tax receipts or by calling your County Plat Room or Department of Revenue Office. Please include the property address if different from the mailing address.

PART 4 - EXEMPTIONS

If any of the exemptions listed apply to this sale, please check the appropriate line and do not complete Section 5. If you are unsure whether this transaction should be defined as an exemption, or if you have any other questions concerning exempt status, please request a decision determination from your local Department of Revenue Office.

PART 5 - SALE INFORMATION

If there is no exemption checked in Part 4, you <u>must</u> complete this section.

Enter the total purchase price paid for the sale parcel. This should include cash, mortgages, property traded, liabilities assumed, leases, easements and personal property.

Financing: if you paid cash for the entire sale parcel, check the box in front of Cash. If you financed the property by receiving a loan, indicate the type by checking the appropriate box; Federal Housing Administration (FHA) Loan, Veterans Administration (VA) Loan or Conventional. If this was a contract for deed or trust indenture, indicate by checking the box in front of Contract. If there was some other type of financing used such as a Montana Board of Housing Loan, trade, etc. please indicate by checking the box in front of the Other. Also, indicate whether this was a new loan or an assumption of an existing loan.

Enter the dollar amount of any personal property included with the sale of this parcel. Personal property includes furniture and fixtures, business and farm equipment, livestock, leases and easements, and mobile homes. Anything that is permanently attached to the real estate should not be included here.

If there are any **SIDS** (Special Improvement Districts - liens levied against the property for amenities like street paving, sewers, water systems, etc.), was an SID payoff included in the total purchase price? Did the buyer assume SID balances? Please indicate by checking Yes or No and the amount of the SID paid or assumed.

PART 6 - WATER RIGHT DISCLOSURE

This disclosure must be completed and signed by the seller or the seller's legally appointed agent. Refer to the back of this page for further information about the disclosure.

PART 7 - PREPARER INFORMATION

All Realty Transfer Certificates must be signed and dated by the preparer. By his/her signature the preparer indicates the information provided is true and correct to the best of his/her knowledge that the Grantor or Deceased Joint Tenant representative (seller) and the Grantee or Surviving Joint Tenant (buyer) have examined the completed Realty Transfer Certificate and agree the information contained within is correct and accurate, and that he/she is duly authorized to sign the Realty Transfer Certificate as an agent or representative for the Grantor or Deceased Joint Tenant and/or Grantee or Surviving Joint Tenant.

Please print the preparer's name, address and phone number where he/she can be reached during business hours.

The Department of Revenue cannot change ownership records unless this form is fully and accurately completed and signed. Present the completed Realty Transfer Certificate to the County Clerk & Recorder when recording an instrument or deed evidencing a transfer of real estate. No such instrument or deed may be accepted for recordation until the Realty Transfer Certificate has been received by the Clerk & Recorder.

(SECTIONS 15-7-304 AND 15-7-305, MCA)

WATER RIGHT DISCLOSURE INFORMATION

The Water Right Disclosure is required by Montana Law. Legislators decided it is important for both the buyer and seller of property to know what the water right situation is — whether any water rights exist, and whether they are being transferred with or withheld from the property.

A water right is a legally protected right to beneficially use water in priority that was obtained in accordance with Montana law. Buyers should be careful to investigate whether water being used on a piece of property amounts to a valid water right, or is merely an unauthorized and unprotectable use of water. In Montana all irrigation water rights must have a valid DNRC water right number to be of record. However, existing rights for livestock and individual domestic, as opposed to municipal uses, based on an instream flow or groundwater source before July 1, 1973, do not need a DNRC water right number. If a water right does not have a DNRC number, and does not fall within the above narrow exception, then there is no water right.

Once the water rights appurtenant to a piece of property have been identified, the investigation of water right should not stop there. Although a water right may have a valid DNRC water right number, it may still be subject to final adjudication in Montana's general stream adjudication. The Montana Water Court is currently adjudicating all Statements of Claim for pre-July 1, 1973, water rights. How good a water right is depends on how it comes out of the adjudication, and how its priority compares to other water rights on a source of supply. You may need to consult an attorney or water rights consultant for an opinion as to the status of that water right. The Montana Water Court can answer questions about the current status of Statements of Claim being adjudicated by calling 1-800-624-3270 (in state) or 406-586-4364.

If there are water rights which have been historically used on the property being transferred, but are not going to be transferred in the sale of land, the deed must specifically reserve those water rights. Other -wise, if the deed is silent, the water rights automatically pass with the land by operation of law.

The following descriptions may be of some help in determining which box to mark in Part 6, Water Rights Disclosure. If further assistance is needed, you may want to seek legal advice.

- > Grantor property has water rights and all water rights transfer means there are water rights used at the property and all the water rights transfer with the property.
- ➤ Grantor property has water rights but seller has reserved them so no water rights transfer means there are water rights used at the property, but the seller is not going to transfer any of the rights with the property. Note: The water rights not transferring with the land must be specifically reserved in the deed.
- ➤ Grantor property has water rights but not all water rights transfer means there are water rights used at the property, but the seller is going to transfer some, but not all, of the water rights with the property. Note: The water rights not transferring with the land must be specifically reserved in the deed.
- ➤ Grantor property has no water rights of record with the Department of Natural Resources & Conservation (DNRC) means there may not be any water used at the property. It may also mean water is used, but the rights are not on record with the DNRC. Existing rights for livestock and individual domestic, as opposed to municipal uses, based on an instream flow or groundwater source appropriated before July 1, 1973, can legally exist without being on record with the DNRC.

Contact the DNRC for information if water is used on the property other than described above.

NOTE: The seller is exempt from the Water Rights Disclosure requirement only if the property is served by a public service water supply or the deed was in escrow prior to January 1, 1998. If your circumstances meet these exceptions, you only need to check the appropriate box on the disclosure. NO signature is required.

REALTY TRANSFER CERTIFICATE CONFIDENTIAL

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REALTY TRANSFER CERTIFICATE CONFIDENTIAL

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Form 608 R4/98

DNRC WATER RIGHT OWNERSHIP UPDATE

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the recorded instrument showing as the water right owner in the I description. Yes No Did the buyer / s	ant (person relinquishing the water right g conveyance of the property from the se DNRC records, attach copies of the rec surviving joint tenant receive 100% of the	eller to the buyer. If the sorded documents sho	seller listed is not the perso owing chain of title includi	on identified ng the legal
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DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION AND MONTANA WATER COURT

IMPORTANT INFORMATION

- Montana law requires this form be filed by the seller within 60 days after recording a change in ownership of real property which has water rights on record with the DNRC.
- ▶ Do not file this form if your only use of water is from an irrigation district, municipal system, water users association, or other public water supply.
- ▶ When the DNRC updates the ownership we will send a confirmation to the buyer / surviving joint tenant and seller / deceased joint tenant. DNRC will use the names and addresses as shown on the reverse side of this form.
- ▶ Water rights in Montana, including <u>all irrigation water rights</u>, must have a valid DNRC water right number to be of record. However, existing rights for livestock and individual domestic as opposed to municipal uses based on an instream flow or groundwater source appropriated before July 1, 1973, do not need a DNRC water right number. If the water use does not have a DNRC water right number and does not fall within the above narrow exception, then you do not have a water right. Contact the DNRC for information on how to acquire a water right.

Described below is further explanation of exempt rights or water rights which are valid without a DNRC water right number. A DNRC water right number is not required for the following if the use began:

- prior to January 1, 1962: groundwater used for individual domestic use, as opposed to municipal use;
- ▶ prior to January 1, 1962: groundwater used for stock;
- between January 1, 1962 through June 30, 1973: groundwater used for stock or domestic purpose and a GW1, GW2, or GW3 form is properly filed in the courthouse; or
- ▶ prior to July 1, 1973: instream surface water used for stock or domestic purposes.

If a water right does not have a DNRC number, and does not fall within the above exceptions, then there is no water right.

IF YOU HAVE QUESTIONS CALL YOUR LOCAL REGIONAL OFFICE.

BILLINGS Phone: 406-247-4415

Big Horn, Carbon, Carter, Custer, Fallon, Powder River, Prairie, Rosebud, Stillwater, Sweet Grass, Treasure, and Yellowstone Counties

BOZEMAN Phone: 406-586-3136 Gallatin, Madison, and Park Counties

GLASGOW Phone: 406-228-2561

Daniels, Dawson, Garfield, McCone, Phillips, Richland, Roosevelt, Sheridan, Valley, and Wibaux Counties

HAVRE Phone: 406-265-5516

Blaine, Chouteau, Glacier, Hill, Liberty, Pondera, Teton, and Toole Counties

HELENA Phone: 406-449-0944

Beaverhead, Broadwater, Deer Lodge, Jefferson, Lewis and Clark, Powell, and Silver Bow Counties

KALISPELL Phone: 406-752-2288 Flathead, Lake, Lincoln, and Sanders Counties

LEWISTOWN Phone: 406-538-7459

Cascade, Fergus, Golden Valley, Judith Basin, Meagher, Musselshell, Petroleum, and Wheatland Counties

MISSOULA Phone: 406-721-4284

Granite, Mineral, Missoula, and Ravalli Counties

The Montana Water Court is currently adjudicating all Statements of Claim. For the current status of the claim(s) specified on the ownership update or if you have questions for the Water Court, call 1-800-624-3270 (in state) or 406-586-4364.

FILING FEE 1 water right \$25.00 2 water rights \$30.00 3 water rights \$35.00

4 water rights \$40.00 5 water rights \$45.00 6 or more \$50.00 (maximum)

► Send the form along with the fee to: DNRC, PO BOX 201601, HELENA, MT 59620-1601

(MAKE CHECK PAYABLE TO DNRC)